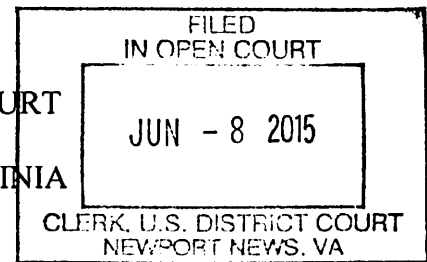


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Newport News Division



UNITED STATES OF AMERICA

v.

SEAN B. FOOTE

Criminal No. 4:15CR 37
18 U.S.C. § 2252A(a)(2)
Distribution of Child Pornography
(Counts 1-3)
18 U.S.C. § 2252A(a)(2)
Receipt of Child Pornography
(Count 4-6)
18 U.S.C. § 2253
Forfeiture

INDICTMENT

June 2015 Term - At Newport News, Virginia

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about August 6, 2014, in the Eastern District of Virginia, the defendant, SEAN B. FOOTE, knowingly distributed material containing an image of child pornography as defined by 18 U.S.C. § 2256(8), to wit: a video entitled “_ARESTRA_ (pthc) anya full (divx re-coded).avi,” depicting a minor engaging in sexually explicit conduct, specifically, lascivious exhibition of the genitals or pubic area of two prepubescent female minor children, that had been mailed and using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1).)

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about August 18, 2014, in the Eastern District of Virginia, the defendant, SEAN B. FOOTE, knowingly distributed material containing an image of child pornography as defined by 18 U.S.C. § 2256(8), to wit: a video entitled “_ARESTRA_ 1st studio had_nk008 (pthc 2012).wmv,” depicting a minor engaging in sexually explicit conduct, specifically, lascivious exhibition of the genitals or pubic area of a prepubescent female minor child, that had been mailed and using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1).)

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about September 4, 2014, in the Eastern District of Virginia, the defendant, SEAN B. FOOTE, knowingly distributed material containing an image of child pornography as defined by 18 U.S.C. § 2256(8), to wit: a video entitled “thai gracel Melissa pthc – hmm gracel series – melissa 7 – 03 fuck my pussy – 58seg(2).mpg,” depicting a minor engaging in sexually explicit conduct, specifically, actual and simulated genital-genital sexual intercourse between an adult male and a prepubescent female minor child, that had been mailed and using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1).)

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 3, 2015, in the Eastern District of Virginia, the defendant, SEAN B. FOOTE, knowingly received material containing an image of child pornography as defined by 18 U.S.C. § 2256(8), to wit: a video entitled “fucking and cumming in 10yr old daughters little cunt.mpg,” depicting a minor engaging in sexually explicit conduct, specifically, actual and simulated anal-genital and genital-genital sexual intercourse between an adult male with a prepubescent female minor child, that had been mailed and using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1).)

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 22, 2015, in the Eastern District of Virginia, the defendant, SEAN B. FOOTE, knowingly received material containing an image of child pornography as defined by 18 U.S.C. § 2256(8), to wit: a video entitled “lp new! opva 2014.avi,” depicting a minor engaging in sexually explicit conduct, specifically, actual and simulated oral-genital, genital-genital, and anal-genital sexual intercourse between an adult male and a pubescent female minor child, that had been mailed and using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1).)

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 22, 2015, in the Eastern District of Virginia, the defendant, SEAN B. FOOTE, knowingly received material containing an image of child pornography as defined by 18 U.S.C. § 2256(8), to wit: a video entitled “(pthc opva 2014) paradi(3).mp4,” depicting a minor engaging in sexually explicit conduct, specifically, actual and simulated masturbation and sadistic and masochistic abuse of a prepubescent female minor child, that had been mailed and using any means and facility of interstate and foreign commerce shipped and transported in or affecting interstate and foreign commerce by any means, including by computer.

(In violation of Title 18, United States Code, Section 2252A(a)(2) and(b)(1).)

FORFEITURE

1. Pursuant to Rule 32.2(a) FED. R. CRIM. P., the defendant is hereby notified that, if convicted of any of the violations alleged in Counts 1 through 8 of this Indictment, the defendant shall forfeit his interest in the following property to the United States as part of his sentencing:

a. any and all matter which contains child pornography or any visual depiction described in Title 18, United States Code, Sections 2251, 2251A, 2252, 2252A, 2252B, or 2260 produced, transported, mailed, shipped, or received in violation of Title 18, United States Code, Section 2251 *et seq.*;

b. any and all property, real or personal, used or intended to be used to commit or to promote the commission of violations of Title 18, United States Code, Section 2251 *et seq.*, and any property traceable to such property; and

c. any and all property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the violations of Title 18, United States Code, Section 2251 *et seq.*.

2. If any property that is subject to forfeiture, as a result of any act or omission of the defendant (i) cannot be located upon the exercise of due diligence, (ii) has been transferred to, sold to, or deposited with a third party, (iii) has been placed beyond the jurisdiction of the Court, (iv) has been substantially diminished in value, or (v) has been commingled with other property that cannot be divided without difficulty, it is the intention of the United States to seek forfeiture of any other property of the defendant, as subject to forfeiture under Title 21, United States Code, Section 853(p).

4. The property subject to forfeiture includes, but is not limited to, the following:

- * Asus Laptop, serial number D1N0CV456778043, with an HGST hard drive, model 0J26213, serial number 76JGNB1A.

(In accordance with Title 18, United States Code, Section 2253).

UNITED STATES v. SEAN B. FOOTE

Criminal No. : 4:15cr 37

Sealed Pursuant to the
E-Government Act of 2002

A TRUE BILL:

REDACTED COPY

FOREPERSON

DANA J. BOENTE
UNITED STATES ATTORNEY

Kaitlin C. Gratton

Kaitlin C. Gratton

Assistant United States Attorney